

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16518 of 2014

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/accused in Crime No.304 of 2014 of Neredmet Police Station, Cyberabad, registered for the offences under Sections 323 and 354 IPC.

Heard the learned counsel for the petitioner and learned Public Prosecutor.

A perusal of the record reveals that the petitioner is sole accused and second respondent is *de facto* complainant in Crime No.304 of 2014. As per the allegations made in the complaint, the petitioner made an attempt to outrage the modesty of second respondent. It is further alleged that the petitioner beat the second respondent. The petitioner is none other than the son-in-law of the second respondent. It seems that the parties are at loggerheads due to obvious reasons.

The court has to take into consideration the allegations made in the complaint only while deciding the petition under Section 482 Cr.P.C. The court is not justified in embarking upon an enquiry to ascertain reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v State of Punjab**^[1] and **State of Haryana v Bhajan Lal**^[2], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

Learned counsel for the petitioner submitted that the concerned Police may be directed not to arrest the petitioner till completion of investigation. In view of the principle enunciated by the Hon'ble Apex Court in **Arnesh Kumar v State of Bihar**^[3], the Station House Officer, Neredmet P.S., is hereby directed to follow the procedure contemplated under Section 41A Cr.P.C., in Crime No.304 of 2014.

With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

December 31, 2014.

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250